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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,941	03/31/2000	Allen J. Klein	300202	3193

7590

08/08/2002

Peter Loffler
1546 1 Metropolitan Boulevard
Tallahassee, FL 32308

EXAMINER

AHMAD, NASSER

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 08/08/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

AS-6

Office Action Summary

Application No.
09/540,941

Applicant(s)
Klein

Examiner
Nasser Ahmad

Art Unit
1772



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 13, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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1. Claims 1 and 5 are rejected under 35 USC 102(b) as being anticipated by Weder for reasons of record in Paper No. 3, paragraph 3, mailed on October 3, 2001.
2. Claims 1, 5, 10 and newly presented claim 15 are rejected under 35 USC 102(b) as being anticipated by Hall for reasons of record in Paper No. 3, paragraph 4.
3. Claims 1-14 are rejected as being unpatentable over Boyd for reasons of record in Paper No. 3, paragraph 6.
4. Applicant's arguments filed May 13, 2002 have been fully considered but they are not persuasive. Applicant argues that Hall describes "short term or temporary bonding" adhesive and that Weder describes "long term" adhesive. However, applicant continues to argue, that neither Hall nor Weder describes applicants' mid-term adhesive. These are not deemed to be persuasive because mere assertion that the claimed "mid term" adhesive is different, without any showing otherwise, is not considered be proper basis. Applicant has failed to provide evidence that either Weder's or Hall's adhesive fails to meet the definition of applicant's "mid term adhesive". Contrary to applicant's allegation, Weder clearly teaches that the tack level of the adhesive is controlled to prevent damage during removing. It is unclear as to how the applicant arrived at the conclusion that Weder's adhesive is "long term" adhesive and distinct from the claimed adhesive. Similarly, though Hall teaches short tem or temporary bonding, applicant has failed to show with evidence as to how it is distinct from the claimed mid term adhesive. Further, applicant's adhesive is defined as the length of removablitiy without damage is at least 30 days. And applicant has failed to

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show any evidence to the contrary with respect to Weder or Hall. It must be noted that mere allegation without supporting evidence is not deemed to be convincing.

Additionally, newly presented claim 15 is also anticipated by Hall because Hall's adhesive pattern, irrespective of how closely spaced are the dots or stripes, reads on a uniform dispersion of discontinuity of the claimed adhesive.

In response to applicant's allegation about the Boyd reference, applicant's attention is once again drawn to Paper No. 3, page 3, paragraph 6 wherein the reason or motivation to modify is expressly stated as for providing releasability. Additionally, the reason to provide striped pattern would also provide for aesthetic appeal.

Thus, in the absence of any evidence to the contrary, it remains the Examiner's position that the instant claimed is formed to be anticipated or rendered obvious over the prior art of record discussed above/

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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6. Any inquiry concerning this communication from the examiner should be directed to Nasser Ahmad whose telephone number is (703) 308-4424. The examiner can generally be reached on Monday-Thursday from 7:30 a.m. to 5 p.m. and on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application is assigned are (703) 872-9310 for regular communications and (703) 305-7115 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

N. Ahmad/dh
August 7, 2002


NASSER AHMAD
PRIMARY EXAMINER